IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 26750 of 2007(H)

PETITIONERS:
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1. **MOYALAN LONAPPAN RAPPAYI,**
   S/O RAPPAYI, AGED 77 YEARS, MOYALAN HOUSE,
   NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

2. **TONY I.J, S/O JOSE, AYINIKKAL HOUSE,**
   NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

3. **AYINIKKAL JOSE, S/O PYLODH,**
   AYINIKKAL HOUSE, NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

4. **KUNDUKULAM RAPPAYI,**
   S/O RAPPAYI, KUNDUKULAM HOUSE,
   NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

5. **MARY JOHNEY, W/O JOHNEY, KATTUKARAN HOUSE,**
   NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

6. **ELSY RAPPAYI, W/O PERUMADAN ANTHONY**
   RAPPAYI, PERUMADAN HOUSE,
   NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

7. **PEROOTTY ANTONY, S/O DEVASY, PEROOTTY HOUSE,**
   NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

8. **SEBY PAUL, S/O PAUL, THOTTAN HOUSE,**
   NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

9. **FRANCIS P.A., S/O ANTHONY, POROTTUKARA HOUSE,**
   NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

10. **P.A.JOHNEY, S/O ANTHONY, POROTTUKARA HOUSE,**
    NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

11. **PETER P.A., S/O ANTHONY, POROTTUKARA HOUSE,**
    NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

12. RAPHAEL C.A.,S/O ANTHONY,CHERUVATHUR HOUSE,
NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

13. E.C.JOSE, S/O CHAKKAPPAN, ENOKARA HOUSE,
NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

14. LISSY ANTONY, W/O ANTONY, THATTIL HOUSE,
NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

15. U.M.JOSE,S/O MATHEW, OOKKAN HOUSE,
NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

16. THOMAS K.K.,S/O KOCHAPPAN, KADAVIL HOUSE,
NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

17. K.R.JOSE, S/O RAPPAYI, KADAVI HOUSE,
NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

18. C.L.INASU, S/O LONAPPAN,CHEERAKUZHI HOUSE,
NORTH BAZAR, OLLUR, THRISSUR, DISTRICT.

19. M.P.DAVIS, S/O PULODH, MUKKATTUKARA HOUSE,
NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

20. PREMY RAPPAYI, W/O RAPPAYI,PULLADAN HOUSE,
NORTH BAZAR, OLLUR, THRISSUR DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:
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1. THE ASSISTANT EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT (ROADS),
OFFICE OF TH4E ASSISTANT EXECUTIVE ENGINEER,
THRISSUR-20.

2. THE DEPUTY COLLECTOR(L.R),
OLLUR, THRISSUR DISTRICT.

3. THE DISTRICT COLLECTOR,
THRISSUR DISTRICT.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J

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W.P.(C).No.26750 of 2007

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Dated this the 7th day of September, 2007

JUDGMENT

Petitioners submit that they occupy buildings in small plots of land for several years. It is stated that the first respondent has issued Exts.P3, P6, P9, P12, P15, P18, P20, P25, P26, P31, P34, P37, P40, P43, P46, P49, P52 and P55. By these notices the petitioners were required to vacate from the premises within 48 hours. On receipt of these notices, they filed objections evidenced by Exts.P4, P7, P10, P13, P16, P19, P21, P27, P28, P29, P32, P35, P38, P41, P44, P47, P50, P54 and P56. According to the petitioners, although these objections were filed, without hearing them or considering their objections or pending any order they are likely to be forcibly evicted from their residential buildings. In these aforesaid circumstances this writ petition is filed.

In the nature of the controversy that is raised, it is essential that the petitioners' objections should be considered by the first respondent before any coercive action as threatened in the

notices is taken. Therefore, I dispose of the writ petition directing the first respondent to consider the objections raised by the petitioners against the notices issued to them. Before orders are passed notices shall be given to the petitioners and they should be allowed an opportunity of hearing to enable them to prove their respective contentions. After such opportunity is granted the first respondent shall pass speaking orders adverting to the contentions raised. In the meantime, further proceedings pursuant to the notices shall be kept in abeyance. If the orders so passed are adverse to the petitioners coercive action pursuant there to shall not be continued for a period of two weeks.

ANTONY DOMINIC,JUDGE

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